

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' NOTICE OF FILING REGARDING
INVESTIGATION REPORTS AND TIMESTAMPS**

The State Defendants submit this Notice of Filing pursuant to the Court's request and provide three sample investigative reports related to election security previously produced in the *Fair Fight Action* litigation and timestamps from the recorded phone call between Marilyn Marks and Scott Hall, which was filed in State Defendants' Notice of Filing of Electronic Media, [Doc. 1363]. State Defendants have also provided information regarding the replacement of the Coffee County EMS requested by the Court in the April 7, 2022 Teleconference.

1. Sample Investigation Reports.

During the April 7, 2022 Teleconference, Curling Plaintiffs' counsel raised the issue of obtaining discovery about past investigations involving

election security. April 7, 2022 Tr. at 24:21-26:21, [Doc. 1374]. The Court in turn requested that State Defendants provide three sample election security reports to understand what might be in the reports. [Doc. 1374 at Tr. 54:15-55:23]. In accordance with the Court's request, State Defendants have reviewed investigative reports previously produced to the *Fair Fight Action* plaintiffs and identified the following State Election Board matters pertaining to election security issues for the Court's review:

- (a) SEB Number 2013-38, City of Sparta-Hancock County, attached hereto as Exhibit "A";
- (b) SEB Number 2016-053, Union County DRE Storage, attached hereto as Exhibit "B"; and
- (c) SEB Number 2014-06, Long County-Qualifying and Board of Elections & Registration, attached hereto as Exhibit "C".

2. Recording of Phone Call of Scott Hall.

Coalition Plaintiffs recently raised a discovery dispute regarding an alleged accessing of Coffee County's EMS server based on information in a recording made by Marilyn Marks, Executive Director of Coalition for Good Governance, of a phone call with Scott Hall.¹ [Doc. 1360]. State Defendants

¹ State Defendants understand that the Mr. Hall on the recorded phone call is the same Mr. Hall who testified at the December 3, 2020 Hearing of the

subsequently filed the entire audio recording of the phone call obtained from Coalition Plaintiffs. [Doc. 1363]. The State Defendants believe the entire recording provides necessary context of the phone call between Ms. Marks and Mr. Hall, which is the sole basis of Coalition Plaintiffs' claim that Coffee County's EMS server was accessed in some way. *See* [Doc. 1360].

In response to the Court's request, however, State Defendants identify the following timestamps from the recording which are particularly pertinent to understanding the context of the conversation, [Doc. 1360]:

- 0:04:15 – 0:04:51
- 0:06:13 – 0:14:12
- 0:36:20 – 0:39:48
- 0:54:00 – 1:04:38
- 1:18:36 – 1:22:55

Additionally, during the April 7, 2022 teleconference, the Court asked if State Defendants could provide any documentation memorializing when the Coffee County EMS was replaced by the Center for Elections Systems. [Doc. 1374 at 53:20-25]. Accordingly, attached as Exhibit "D" are documents from

Georgia State Senate Judiciary Committee Election Law Subcommittee. *See* Archived Recording at 5:34:00, *available at* <https://livestream.com/accounts/26021522/events/8730585/videos/214364915>.

the acceptance testing conducted by the Center for Elections Systems on the date the Coffee County EMS server was replaced, with the hash values redacted.

Respectfully submitted this 9th day of May 2022.

/s/Vincent R. Russo

Vincent R. Russo

Georgia Bar No. 242628

vrusso@robbinsfirm.com

Josh Belinfante

Georgia Bar No. 047399

jbelinfante@robbinsfirm.com

Carey A. Miller

Georgia Bar No. 976240

cmiller@robbinsfirm.com

Alexander Denton

Georgia Bar No. 660632

adenton@robbinsfirm.com

Robbins Alloy Belinfante Littlefield LLC

500 14th Street, N.W.

Atlanta, Georgia 30318

Telephone: (678) 701-9381

Facsimile: (404) 856-3255

Bryan P. Tyson

Georgia Bar No. 515411

btyson@taylorenghish.com

Jonathan D. Crumly

Georgia Bar No. 199466

jcrumly@taylorenghish.com

Diane F. LaRoss

Georgia Bar No. 430830

dlaross@taylorenghish.com

Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
Telephone: 678-336-7249

Counsel for State Defendants

L.R. 7.1(D) CERTIFICATION

I certify that this Notice of Filing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Response has been prepared using 13-pt Century Schoolbook font.

/s/ Vincent R. Russo
Vincent R. Russo